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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,168	02/24/2000	Xinguo Wei	CING-136	5447

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EXAMINER	
HOM, SHICK C	
ART UNIT	**PAPER NUMBER**
2616	

MAIL DATE	DELIVERY MODE
10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/511,168	WEI, XINGUO	
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the

> invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. (6,434,611).

Regarding claims 1-2:

Wilson et al. disclose a method of managing network elements in a communications network comprising:

establishing a hierarchy of geographical areas in the communication network, where an area at a higher level of the hierarchy includes a plurality of areas at a lower level of the hierarchy (Fig. 1 shows a hierarchical structure of managing network elements, the higher level being the network management layer 110 and the lower level being the network element layer 130);

representing each network element in a geographical area at a first level in the geographical hierarchy (col. 4 line 51 to col. 5 line 4 recite the domain manager 121-123, being defined by the geographic location of the network equipment, i.e. the

network element 131-136 at the first level as shown in Fig. 1); and

summarizing the representation of network elements at a second level in the geographical hierarchy, higher than the first level of the geographical hierarchy (Fig. 1 shows the representation of network elements 131-132 being summarized at the domain management layer, i.e. the second level, by domain manager 121, network elements 133-134 being summarized by domain manager 122, and network elements 135-136 being summarized by domain manager 123).

Regarding claims 3-4:

Wilson et al. disclose wherein the management of the communication network includes

monitoring a condition of the network elements, in which the representation of network elements in the geographical area includes representing the condition of the network elements (col. 6 lines 11-20 recite the processors monitoring performance, removal and addition of hardware, and equipment state changes), and in which

summarizing the representation of network elements at the second level in the geographical hierarchy includes triggering an alarm at the second level in response to a condition of a particular network element represented at the first level (col.

7 lines 31-37 recite the domain manager relaying the alarm to the network manager) and wherein

the communication network is managed in real-time (col. 3 lines 23-26 recite the method and system being in real time).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5-10 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (6,434,611) in view of Weinberg et al. (6,144,962).

For claims 5-10 and 12-21, Wilson et al. disclose the system and method described in paragraph 4 of this office action. Wilson et al. disclose all the subject matter of the claimed invention with the exception of the step of summarizing the representation of network elements by representing the

condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation as recited in claims 5-10, 18; wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity as in claims 12-13; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level as in claims 15-18; wherein the network includes a display having an input connected to said application to present a modifiable display of network elements as represented in multiple levels in the hierarchy of geographical areas; and a supervisor interface connected to said application, said supervisor interface providing commands to said application to modify said display as in claims 18-19, and 21.

Although, Wilson et al. and Weinberg et al. did not teach or suggest the use of a fixed wireless service network as recited in claims 14 and 20, the examiner take official notice that the use of fixed wireless service network is well known in the art.

Weinberg et al. from the same or similar fields of endeavor teach that it is known to provide the steps summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity; and textual annotation and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level; and the network including a display (the abstract recites the step of building a graphically depicted map to allow user to visualize the overall architecture of the network connection including features to facilitate the task of identifying problems; col. 2 lines 27-48 recite using icons within the map to represent nodes on the display screen to display the hierarchical data structure; col. 27 lines 27-39 recite using an icon color coding scheme to better allow user to distinguish the icons; col. 9 lines 1-18 recite the use of textual annotation; col. 20 lines 20-33 which recite the task manager processor and col. 22 lines 31-46 which

recite the use of an error code clearly reads on an alarm as recited in claims 5-10, 15, 18-19).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level; and the network including a display as taught by Weinberg et al. in the system and method of managing network elements of Wilson et al.

The step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower

level can be implemented by including the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level; and wherein the network including a display of Weinberg et al. to the system and method of Wilson et al.

The motivation for providing the step of summarizing the representation of network elements by representing the condition of network element with an icon including coloration on a map and that varies with respect to the status of the network element; including rules defining the meaning of the icon; and textual annotation; and of detecting a failure of one or more network elements; sending an alarm to the higher level; and in response to the alarm identifying and locating failed network element at the lower level; and the network including a display as taught by Weinberg et al. in the method and system of managing network of Wilson et al. being that it provides the added desirable features of detecting failure of one or more

network elements; and better allow user to distinguish the error at the network.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (6,434,611) in view of Henderson et al. (5,726,979).

Regarding claim 11:

For claim 11, Wilson et al. disclose the method described in paragraph 4 of this office action. Wilson et al. disclose all the subject matter of the claimed invention with the exception of the step representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network as in claim 11.

Henderson et al. from the same or similar fields of endeavor teach that it is known to provide the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network (see col. 7 lines 28-54 which

recite the use of the nsLatLong class for representing the latitude and longitude data as in claim 11).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network as taught by Henderson et al. in the communications network of Wilson et al.

The step of wherein management of the network includes installation of network elements into the communications network and in which representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network can be implemented by representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network of Henderson et al. to the design of the network element of Wilson et al.

The motivation for providing the step of representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and a longitude of the network element upon installation into the network as taught by Henderson et al. in the communication network of Wilson et al. being that it provides the added desirable feature of knowing the latitude and a longitude of the network element at the higher level of the geographical hierarchy.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Skeadas discloses a system and method for managing content displayed on a distributed network of signs.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SH SH

CHI PHAM
SUPERVISORY PATENT EXAMINER
10/25/07